

Message Text

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46

ACTION EB-07

INFO OCT-01 ISO-00 IO-13 AF-08 ARA-06 EA-07 EUR-12 NEA-10

OIC-02 SSO-00 NSCE-00 USIE-00 INRE-00 AGR-05 CEA-01

CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05

L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 ITC-01 TRSE-00 PRS-01 SP-02 FEAE-00 OMB-01

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 1202

INFO USMISSION EC BRUSSELS IMMEDIATE

AMEMBASSY CANBERRA

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E.O. 11652: N/A

TAGS: GATT ETRD

SUBJECT: GATT PANEL ON MIPS

REF: STATE 174569

1. BEGIN SUMMARY: GATT COUNCIL ESTABLISHED PANEL ON MIPS
JULY 15. END SUMMARY.

2. AFTER EXTENDED EXCHANGE BETWEEN U.S. AND EC ON JULY 15, GATT
COUNCIL ESTABLISHED GATT ART. XXIII:2 PANEL ON MIPS WITH FOLLOWING
TERMS OF REFERENCE:

QUOTE: TO EXAMINE THE COMPLAINT OF THE UNITED STATES WITH RESPECT
TO MINIMUM IMPORT PRICES ON TOMATO CONCENTRATES, AND THE SYSTEM
OF LICENSING AND SURETY DEPOSITS WHICH THE EUROPEAN COMMUNITY
APPLIES TO IMPORTS OF CERTAIN PROCESSED FRUITS AND VEGETABLES,
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THE COMPLAINT BEING THE FOLLOWING:

-- THE SYSTEM OF MINIMUM IMPORT PRICES FOR TOMATO CONCENTRATES WHICH THE EUROPEAN COMMUNITY APPLIES IS NOT CONSISTENT WITH THE OBLIGATIONS OF THE EEC UNDER THE GATT.

-- THE LICENSING AND SURETY DEPOSIT SYSTEMS MAINTAINED BY THE EEC ARE NOT CONSISTENT WITH THE OBLIGATIONS OF THE EEC UNDER THE GATT.

-- THE EEC SYSTEM OF MINIMUM IMPORT PRICES, LICENSING, AND SURETY DEPOSITS NULLIFY OR IMPAIR BENEFITS ACCRUING TO THE UNITED STATES UNDER THE GATT.

THE PANNEL IN ITS EXAMINATION OF THE COMPLAINT WILL TAKE ACCOUNT OF ALL PERTINENT ELEMENTS, INCLUDING THE COUNCIL DEBATES ON THIS QUESTION. UNQUOTE.

3. LAST PHRASE IN TERMS OF REFERENCE INCLUDES BUT IS NOT LIMITED TO U.S. AND EC SHARP DISAGREEMENT OVER WHETHER ECONOMIC AND COMMERCIAL SITUATION IN PROCESSED FRUITS AND VEGETABLES SECTOR WAS RELEVANT AS WELL AS OVER WHETHER TERMS OF REFERENCE ARE NEGOTIABLE. IN SUPPORT OF A NEGOTIATED APPROACH TO ESTABLISHMENT PANEL, EC CITED DISC PRECEDENT AS MOST RECENT GATT PRACTICE. DEBATES ALSO INCLUDED ALL U.S., AUSTRALIAN AND OTHER STATEMENTS AGAINST EC MIP AND SURETY/LICENSING SYSTEM. COMMENT: IT SEEMS BEYOND DOUBT THAT EC WILL RAISE ECONOMIC AND COMMERCIAL ELEMENTS BEFORE PANEL. TERMS OF REFERENCE RECOGNIZE IMPLICITLY THAT THIS ISSUE WILL BE ARGUED BEFORE THE PANEL, BUT DO NOT PREJUDGE PANEL'S OWN DECISION AS TO WHAT IS PERTINENT, AS WOULD HAVE ORIGINAL EC VERSION. END COMMENT.

4. PANEL MEMBERS ARE TO BE NOMINATED BY CHAIRMAN OF GATT COUNCIL IN CONSULTATION WITH INTERESTED PARTIES.

5. U.S., ISRAEL, AUSTRALIA AND CANADA MADE STATEMENTS THAT PANEL TERMS ARE NOT FOR NEGOTIATION, THAT ESTABLISHMENT OF PANEL TO CONSIDER COMPLAINT SHOULD BE AUTOMATIC.

6. MISSION WILL SHORTLY SUGGEST TO WASHINGTON POSSIBLE PANEL MEMBERS.

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Message Attributes

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Margaret P. Grafeld
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